

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTOINE HARRIS, *et al.*,

Plaintiffs,

vs.

DENISE GERTH, *et al.*,

Defendants.

Case No. 08-12374

Robert H. Cleland  
United States District Judge

Michael Hluchaniuk  
United States Magistrate Judge

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**ORDER STRIKING PERCIVAL'S AND BUHOVECKY'S  
MOTION FOR TEMPORARY RESTRAINING ORDER**

This is a civil rights action filed under 42 U.S.C. § 1983 by multiple plaintiffs who are in the custody of the Michigan Department of Corrections. (Dkt. 1). This case was referred, for all pre-trial matters, to the undersigned Magistrate Judge on August 14, 2008. (Dkt. 40).

On September 4, 2008, plaintiffs Percival and Buhovecky filed a motion for temporary restraining order seeking to prevent defendants Caruso and Bergh and “potential Defendant James Rankin” from delaying and confiscating their legal correspondence. (Dkt. 77). This motion, although it purports to be filed on behalf of both plaintiff Buhovecky and plaintiff Percival, was signed only by plaintiff Buhovecky. *Id.* The motion is not supported by a brief as required by Local Rule

7.1. *Id.*

Accordingly, the Court **STRIKES** the motion because: (1) plaintiff Percival did not sign the motion, as required by Federal Rule of Civil Procedure 11(a); and (2) the moving parties did not file a supporting brief in accordance with Local Rule 7.1(c).

**IT IS SO ORDERED.**

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made.

Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: September 9, 2008

s/Michael Hluchaniuk  
Michael Hluchaniuk  
United States Magistrate Judge

## CERTIFICATE OF SERVICE

I certify that, on September 9, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Christine M. Campbell. I also certify that I have mailed, by United States Postal Service, the foregoing paper to the following non-ECF participants\*\*:

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\*\* Plaintiffs, Andre Coleman, Eugene Humbert, and James Lindsey are being served at both the address reflected on the Court's docket and the address reflected on the Michigan Department of Corrections prisoner tracking system website.

s/James P. Peltier  
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